

## **Process for Submitting Environmental Information to the California Transportation Commission**

### **Introduction**

For all projects that are anticipated to be funded through a program under the purview of the California Transportation Commission (Commission), full compliance with the California Environmental Quality Act (CEQA) is required. In addition, if federal requirements are applicable, compliance with the National Environmental Policy Act (NEPA) is also required.

The Commission will not allocate funds to projects for design, right of way or construction until the final environmental document is complete and the Commission has approved the environmentally cleared project for consideration of future funding. The guidance below is intended to outline the process that is required to receive approval for future consideration of funding.

This information is intended for those CEQA Lead Agencies other than the Department of Transportation (Department). When the Department acts as the Lead Agency, the Department will ensure that the necessary environmental documents, including the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) and Final Environmental Impact Report (FEIR), Negative Declaration (ND) or Mitigated Negative Declaration (MND) are brought forward to the Commission for action.

### **Background**

Public Resources Code Section 21102 states that “No state agency, board, or commission shall request funds, nor shall any state agency, board, or commission which authorizes expenditures of funds, other than funds appropriated in the Budget Act, authorize funds for expenditure for any project, other than a project involving only feasibility or planning studies for possible future actions which the agency, board, or commission has not approved, adopted or funded, which may have a significant effect on the environment unless such request or authorization is accompanied by an environmental impact report. Feasibility and planning studies exempted by this section from the preparation of an environmental impact report shall nevertheless include consideration of environmental factors.”

Public Resources Code Section 21150 states that “State agencies, boards, and commissions, responsible for allocating state or federal funds on a project-by-project basis to local agencies for any project which may have a significant effect on the environment, shall require from the responsible local governmental agency a detailed statement setting forth the matters specified in Section 21100 prior to the allocation of any funds other than funds solely for projects involving only feasibility or planning studies for possible future actions which the agency, board, or commission has not approved, adopted, or funded.”

### **Notice of Preparation and Draft Environmental Impact Reports**

Notices of Preparation and DEIRs should be forwarded to the Commission to allow the Commission to provide comments as a Responsible Agency. The NOP and/or DEIR should be accompanied by a letter that describes the following:

- Name of the CEQA Lead Agency
- Project Title
- County/Route/Postmile and Project Expenditure Authorization(s), if applicable
- Project funding information:
  - Whether the project is fully funded, not fully funded, or funded through a certain project phase (e.g., through PS&E)
  - Funding source(s), amount(s) and programming year(s)
  - Total estimated project cost
  - Estimated year to begin construction (e.g., FY 2009-2010)
  - Any unusual aspects of funding (e.g., grandfathered funds, project to be funded and built in phases, etc.)
- Brief statement explaining reason for an Environmental Impact Report, rather than a Negative Declaration or a Mitigated Negative Declaration
- The future action(s) the Lead Agency intends to request from the Commission for the project:
  - Vote of funds
  - Vote to approve a Route Adoption
  - Vote to approve a New Public Road Connection
- One copy of the NOP or DEIR

### **Negative Declarations/Mitigated Negative Declarations/Final Environmental Impact Reports**

Upon completion of the environmental process by the Lead Agency, the ND, MND or FEIR should be forwarded to the Commission to request that a project be considered for future funding. The following is required for processing such a request:

- Name of CEQA Lead Agency
- Project Title
- County/Route/Postmile and Project Expenditure Authorization(s), if applicable
- Project funding information:
  - Whether the project is fully funded, not fully funded, or funded through a certain project phase (e.g., through PS&E)
  - Funding source(s), amount(s) and programming year(s)
  - Total estimated project cost
  - Estimated year to begin construction (e.g., FY 2009-2010)
  - Any unusual aspects of funding (e.g., grandfathered funds, project to be funded and built in phases, etc.)
- The future action(s) the Lead Agency intends to request from the CTC for the project:
  - Vote of funds
  - Vote to approve a Route Adoption
  - Vote to approve New Public Road Connection
- One copy of the FEIR, ND or MD (include an electronic copy, if available)
- One copy of the approved (signed) project approval document (e.g., Project Report)
- One copy of the Executive Summary
- One copy of the Lead Agency's Notice of Determination (NOD)

- One copy of the Findings and Statement of Overriding Considerations, if applicable
- One copy of the Board, Commission, Local Agency Resolution approving the EIR with Overriding Considerations, if applicable
- One copy of the project vicinity map, reproducible in 8.5" x 11" black and white format
- Brief summary of significant impacts and applicable mitigation measures
- Confirmation whether the preferred alternative set forth in the final environmental document is consistent with the project scope of work programmed by the Commission (project included in the STIP, SHOPP, TCRP, etc.). Where a project scope has been modified from the prior programming action, a description of the modification should be provided.
- For environmental documents covering multiple projects, a brief explanation of the various components and projects covered and the corresponding programming detail.

### **Exemption from CEQA**

Where the Lead Agency has made a determination that a project is exempt from the requirements of CEQA, notification of such exemption should be provided to the Department prior to, or upon a request for, allocation of funds. The Department will then notify the Commission of such exemption through the allocation request on the Commission's agenda and/or vote box. Copies of CEQA exemption filings for Proposition 1B projects should be forwarded to the Commission.

### **Proposition 1B Projects**

In addition to the requirements set forth above, the Lead Agency and/or Project Sponsors for Proposition 1B projects should include in their transmittal of a final environmental document the following information and confirmations:

- Whether the preferred alternative includes a scope of work that is or is not consistent with the prior programming actions for the project programmed by the Commission in the Proposition 1B program. If there is a revised scope, the revised scope may require an amendment to the project baseline agreement.
- Whether the preferred alternative results in an estimated cost above the current programmed amount. If this is the case, the project sponsor is responsible for securing necessary supplemental funds to ensure that the project is fully funded and delivered in a timely manner. The project sponsor's commitment, funding plan, and corresponding resolution should be included with the letter.
- In its adopting resolution for the Trade Corridors Improvement Fund (TCIF), the Commission established its intention to monitor the outcomes of the environmental process with regard to air quality impacts due to emissions from diesel or other particulates and related mitigation strategies. The Commission will only allocate TCIF to projects that can demonstrate compliance with applicable environmental requirements, including the implementation of appropriate mitigation measures. Therefore, the project sponsor should commit in the letter, to the implementation of these mitigation measures, if applicable, as part of its submittal of the final environmental document for approval for future funding consideration.

### **Timeline for Requesting Commission Action**

The following timeline should be followed in determining when to expect that a NOP, DEIR and/or final environmental document will be considered by the Commission:

<b>CTC Meeting</b>	<b>Submission Due to CTC*</b>
January 14, 2009	November 17, 2008
February 18/19, 2009	December 22, 2008
March 11/12, 2009	January 12, 2009
April 15/16, 2009	February 9, 2009
May 14, 2009	March 16, 2009
June 10/11, 2009	April 13, 2009
July 8/9, 2009	May 11, 2009
August 12/13, 2009	June 15, 2009
September 9/10, 2009	July 13, 2009
October 14/15, 2009	August 17, 2009
November 12, 2009	September 14, 2009
December 9/10, 2009	October 9, 2009

\* *Date is consistent with the Department's Local Agency Off System CTC Agenda Item Request Timeline.*

### **Contact Information**

Questions pertaining to this process should be directed to Susan Bransen at (916) 654-4245 or [Sbransen@dot.ca.gov](mailto:Sbransen@dot.ca.gov).

Environmental Documentation should be sent to:

California Transportation Commission  
Attention: Susan Bransen  
1120 N Street, MS 52  
Sacramento, CA 95814